

## Compatibility Determination

**Use:** Issue Permits for Water Stations to Reduce Risk of Dehydration

**Refuge Name:** Buenos Aires National Wildlife Refuge, Sasabe, Pima County, Arizona

**Establishing and Acquisition Authority (ies):** The Buenos Aires Ranch, located in Pima County, Arizona, was recommended for purchase in the 1977 Recovery Plan for protection and recovery of the endangered masked bobwhite quail. Congress approved funding for purchase of the central part of the ranch under authority of the Endangered Species Act of 1973, as amended, and the Fish and Wildlife Act of 1956, as amended, authorizing expenditure of funds for habitat acquisition.

**Refuge Purpose(s):** The Refuge was established on August 1, 1985 “...to conserve (A) fish or wildlife which are listed as endangered species or threatened species .... or (B) plants ....” 16 U.S.C. 1534 (Endangered Species Act of 1973) and for the “...development, advancement, management, conservation, and protection of fish and wildlife resources....” 16 U.S.C. 742f (a) (4) (Fish and Wildlife Act of 1956). Congressional records and other pertinent files show that conservation of the masked bobwhite quail was the major impetus behind establishment of the Buenos Aires NWR. Habitat restoration and the existence of a self-sustaining population of masked bobwhite quail remains a primary goal of the Refuge.

**National Wildlife Refuge System Mission:** The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

### Description of Use:

**What is the use?** Permit humanitarian organizations to establish and maintain drinking water stations on Buenos Aires National Wildlife Refuge (Refuge) to reduce possible risk of deaths due to dehydration on the Refuge. The question to be addressed by this Compatibility Determination (CD) is whether placement of water stations by humanitarian organizations on the Refuge will materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the Refuge. Under the National Wildlife Refuge System Improvement Act of 1997, responding to this question is required and addressed through this Compatibility Determination.

The Refuge has received requests from humanitarian organizations to provide drinking water for illegal immigrants traveling across the Refuge. In 2001, the Refuge issued a Special Use Permit (SUP) to establish and maintain three water stations consisting of two 55-gallon drums each on the Refuge. Permit conditions included: (1) placement of water at specific locations; (2) carrying liability insurance; and, (3) the permittee being responsible for maintaining the stations in a manner that minimizes natural resource impacts. Each drum is fixed with an on/off spigot and each station with a tall blue flag so it can be readily seen from a distance. To date, requests from this permittee for additional water stations on the Refuge have not been granted.

In 2005, the Refuge became aware of two additional humanitarian organizations that were engaged in placing water containers on the Refuge. The Refuge began documenting placement of one gallon water containers and food items along trails used by illegal immigrants. In July 2009, individuals affiliated with these groups were cited by Refuge Law Enforcement Officers for littering and were asked to discontinue depositing water and other items on the Refuge. In August 2009, the Refuge began negotiations with members of these humanitarian organizations to explore the possibility of permitting future water stations. However, prior to potential issuance of a SUP for this activity, a Compatibility Determination for the establishment of water stations is required. Since no CD or National Environmental Policy Act documents were prepared by the Refuge on permitting the previous water stations in 2001, this document is intended to address the compatibility of that existing use and of its potential expansion on the Refuge.

The purpose of this Compatibility Determination is to evaluate whether or not the Refuge should continue to permit establishment and maintenance of drinking water stations on Buenos Aires NWR. The types of water station strategies under consideration include placement of small containers tethered to trees along active illegal immigrant trails or the placement of large, semi-permanent stationary containers. The Refuge must determine if this use would materially interfere with or detract from fulfillment of the National Wildlife Refuge System mission or the purposes of the Refuge. In addition, guidance from the Department of the Interior (DOI) and U.S Fish and Wildlife Service (Service) regulations and policy provide an additional framework for evaluating potentially continuing to permit placement of water stations on the Refuge.

#### ***Large Containers:***

For the purposes of this Compatibility Determination, a large container is defined as stationary due to size and weight restrictions. Fifty-five gallon drums have been used to dispense water on the Refuge for the past nine years. These hold a large amount of water, are mounted on metal frames, and are refilled from a water tank truck. Because of their large water volume, these containers do not need to be refilled often, reducing the number of trips to the site and resulting impacts to Refuge roads and possible disturbances to wildlife. In addition, using larger containers may reduce the need for a greater number of water stations on the Refuge. If strategically distributed, fewer stations with larger containers minimize negative impacts to Refuge resources. This approach can be, and has been, managed consistently with DOI guidance and Service policy.

#### ***Small Containers:***

Small containers are defined as mobile, light-weight containers that individuals on foot can easily transport. One gallon plastic jugs are the common container in use and the water delivery method of choice by some humanitarian organizations. Under consideration is the “tethering” of one gallon containers to trees along foot trails used by illegal immigrants. This is intended to provide easier access to water since it could be placed on trails that are less visible and more discrete than along public roads. The smaller containers would allow humanitarian groups to more easily transport water to the tethered sites which would be located away from roads and along actively-used trails. Under this scenario, multiple small containers would be attached to a tree along a trail using a locked chain or cable slipped through the handles of the containers.

The small container water station strategy described above has not yet been permitted by the Refuge.

The Refuge has concerns that if an illegal immigrant is not carrying his or her own container, there is a possibility that tethered containers could be cut from the tether, carried along the trail and later discarded on the Refuge. Hundreds of unpermitted one-gallon containers previously deposited (not tethered) on illegal immigrant trails have been found discarded throughout the Refuge. This small container approach may not be consistent with DOI guidance regarding placement of water stations since the proposal is to place these stations away from roads, on trails actively used by illegal immigrants. As a result, use of small containers could potentially result in negative resource impacts due to increased litter and continued use of illegal trails that the Refuge plans to restore to natural conditions. In addition, monitoring these containers for compliance with applicable government water quality standards may be difficult, if not impossible.

***Placement of Water:***

Regardless of whether one or both approaches are permitted, the Refuge would ensure that water stations are not placed at sites that may impact listed species, sensitive habitats, or frequently used visitor areas such as designated camp sites and recreational trails. Possible sites for potential water stations would be evaluated by considering the locations of all existing water sources, U.S. Customs and Border Protection (CBP) emergency rescue beacons, SBInet electronic surveillance towers, roads, camp sites, and Refuge administrative, public use and maintenance facilities.

The attached Drinking Water Site Assessment map is useful for determining where water or rescue facilities may be absent on the Refuge and where water placement of stations may be permitted. Indicated on the map are 0.5-mile buffer zones around existing permitted humane water stations, Refuge residences and administrative facilities equipped with water spigots, wells equipped with spigots, CBP rescue beacons, SBInet towers, and designated camp sites. Therefore, the portions of the Refuge shown in white on the map outside the 0.5-mile buffer zones are where potential new water stations may be considered. If permitted, water stations would be placed along existing roads in areas shown in white. The Refuge also supports 150+ stock ponds and/or developed wildlife waters which may be of assistance to border crossers during life-threatening situations.

**Why is this use being proposed?** The location of Buenos Aires NWR on the international border with Mexico and within the Altar Valley of southern Arizona provides a unique opportunity to conserve a remnant of Sonoran semi-desert grasslands and some of the region's most imperiled species of plants and wildlife. Since its establishment in 1985, Refuge staff have worked diligently to protect species such as the endangered masked bobwhite quail and pronghorn, as well as offer meaningful visitor recreational opportunities.

However, over the past decade an increasing amount of Refuge time and energy has been required to address the growing issue of illegal traffic entering the U.S. across Refuge lands. Due to its location adjacent to the boundary with Mexico, the Refuge must contend with issues and challenges unlike those found at most of the other 551 units of the Refuge System. Over the past

several years, the Refuge and other public land managers along the border have been subject to a tremendous level of illegal border traffic and resulting law enforcement activities. For example, from 2006 to 2007 an estimated 250,000 to 300,000 illegal immigrants traveled through the Refuge each year. As a result, Refuge lands have been marred by illegal trails and roads, litter, and degraded habitat.

In 2007 and 2008, a 15-foot high, 7-mile long pedestrian border barrier was erected by the Department of Homeland Security along the southern boundary of the Refuge adjacent to Mexico. The CBP has steadily increased its patrol of the Refuge and surrounding lands. The construction of the pedestrian barrier and increased law enforcement presence by CBP and the Service has led to a significant decrease in the number of illegal immigrants passing through the Refuge. The 2008 and 2009, estimates for illegal immigrant traffic were approximately 31,500 and 20,700, respectively; constituting a 90% decrease from 2006-2007. This still averages approximately 50-60 illegal immigrants traveling through the Refuge daily.

Even at this reduced level, illegal immigrants travelling through the Refuge remain at risk; crossing hot, dry and rugged desert terrain. Even though most illegal immigrants travel during the night, lives are threatened and occasionally lost in this harsh environment. Table 1 below illustrates overall border deaths in Arizona and on the Refuge during 2002 to 2009. Causes of mortality vary greatly; recorded causes of death include dehydration, injury, and exposure to extreme temperatures, illness and homicide. Some individuals have been encountered on the Refuge in very poor condition due to lack of water, requiring immediate medical attention. Although a decline in deaths on the Refuge has occurred since 2006, illegal immigrants still travel through the area and injuries and deaths continue to occur. According to CBP, the latest probable dehydration fatality on the Refuge was in April 2010.

<b>Year</b>	<b>Arizona</b>	<b>BANWR</b>
<b>2002</b>	<b>163</b>	<b>3</b>
<b>2003</b>	<b>205</b>	<b>2</b>
<b>2004</b>	<b>234</b>	<b>5</b>
<b>2005</b>	<b>282</b>	<b>2</b>
<b>2006</b>	<b>205</b>	<b>6</b>
<b>2007</b>	<b>237</b>	<b>3</b>
<b>2008</b>	<b>183</b>	<b>2</b>
<b>2009</b>	<b>206</b>	<b>2</b>

Table 1. Border Deaths in Arizona and Buenos Aires NWR from 2002 to 2009.

There are measures in place to aid illegal immigrants and others who find themselves in distress on the Refuge. The CBP patrols the borderlands 24 hours a day and has rescued many individuals who were ill, without water or lost. The CBP has installed emergency rescue beacons along the border that can be triggered by individuals in distress; three of these solar-powered beacons are located on Buenos Aires NWR with plans for additional units to be installed in the future. CBP is evaluating adding rescue “buttons” to the security fences surrounding each of seven SBI-net electronic surveillance towers. Water tanks and catchments on the Refuge have been improved to retain water collected from rain and flood events. Refuge

wells and administrative building sites have also been fixed with spigots to provide reliable year-round sources of drinking water (see Drinking Water Site Assessment map).

The issue of whether available water sources are adequate for illegal immigrants who are threatened by severe dehydration and possible death has been a contentious topic along the southwestern border for over a decade. In 2001, Buenos Aires NWR permitted a humanitarian organization to provide and manage three water stations on the Refuge as supplemental emergency water sites for illegal immigrants. Buenos Aires NWR and other Federal land managers along the border have seen an increase in requests to place water on these lands. Some of these requests have been permitted while other groups place water containers on public lands without authorization.

To address this growing activity, the Department of Interior conducted an evaluation in 2008 of the placement of waters on public lands by humanitarian organizations. This led to issuance of guidance for DOI public land managers to ensure consistency across bureaus when approving this use and so water stations would be monitored and provide safe drinking water. This guidance encouraged DOI land managers to consider a number of factors and conditions before permitting placement of humanitarian water stations on their lands, including:

- Establish water stations at locations that provide for easy vehicle access and do not require off-road access;
- Establish water stations at locations where the likelihood of direct contact with visitors is minimized;
- When authorizing placement of water stations, evaluate protection of DOI resources; the health, safety, and welfare of DOI personnel; the experience of visiting public; and possible impacts on any third parties, including adjacent land owners;
- Require the permittee to maintain water stations in accordance with applicable federal, state and local government water quality standards; and
- Require the permittee to obtain a minimum of \$2,000,000 in general liability insurance coverage per occurrence. The policy must name the DOI as additionally insured and holds the United States harmless from any and all liability to third parties as a result of water station activity.

**Availability of Resources:** The placement and maintenance of stationary water sites would constitute a limited diversion of Refuge resources (e.g., personnel and funding). Humanitarian organizations would be responsible for the planning, installation and maintenance of water stations. The Refuge would assume the costs of long-term coordination and monitoring of the permit. Even though Refuge resources are limited, this activity would not materially interfere with or detract from fulfillment of Refuge purposes and the NWRS mission. Administration and management of stationary water stations could be accomplished within the existing financial and personnel resources available to the Refuge

**Anticipated Impacts of the Use:** To the degree permitting of humanitarian water stations on the Refuge may encourage continued or increased illegal immigrant traffic; a variety of environmental impacts may result. Illegal immigration and smuggling compromises much of the biological and aesthetic value of the Refuge as well as the safety of staff, volunteers and visitors.

The recent construction of the seven mile pedestrian barrier on the southern boundary of the Refuge has helped reduce the level of illegal traffic in some parts of the Refuge; however, impacts are still occurring to Refuge natural resources due to illegal traffic and border enforcement activities. These impacts include:

***Trash*** -- During 2009, an estimated 51-82 tons of litter were left on the Refuge by approximately 20,700 illegal immigrants. Based on Refuge monitoring efforts, each border crosser deposits an average of about 5 to 8 pounds of trash on the Refuge. Trash has significant impacts to wildlife, habitat and public safety, not to mention the loss of aesthetic values. The amount of trash varies significantly depending on seasonal and annual fluctuations in levels of illegal immigrant traffic.

***Trails*** -- More than 1,300 miles of illegal trails have been created on the Refuge by illegal immigrants, resulting in more than 300 acres of denuded vegetation, erosion and wildlife disturbance. The continuous foot traffic prevents trails from healing, increases the erosion along trails and directly conflicts with Refuge goals and objectives for habitat management.

***Illegal Roads*** -- While attempting to evade law enforcement officers, illegal immigrants have created several miles of unauthorized roads on the Refuge, which in turn get used by CBP, hunters and birdwatchers. Driving on desert soils quickly results in creating a permanent road. Although the majority of these roads were created during the height of illegal immigrant traffic several years ago, their use continues, making restoring them to natural conditions extremely difficult.

***Wildfire*** -- Several fires are started each year by illegal immigrants resulting in significant environmental damage and cost to the government. Two fires in the vicinity of the Refuge in 2009 burned over 23,000 acres and cost federal and state governments \$1.2 million to suppress. Wildfires put both other illegal immigrants and the visiting public at risk as well as potentially impacting critical habitat and listed species.

***Livestock Trespass*** -- Illegal immigrants often damage or cut fences or leave gates open, allowing cattle to enter the Refuge. This directly impacts Refuge wildlife habitats and exposes neighboring ranches to disease transmission from untreated Mexican livestock.

***Increased Crime and Compromised Security*** -- Illegal immigrants have stolen Refuge vehicles, burglarized government quarters and offices, and committed vandalism. This has required installation of security infrastructure and hiring additional law enforcement officers. In addition, officers spend a high percentage of their time assisting CBP with apprehensions and drug seizures rather than patrolling for resource violations or assisting with staff and visitor safety. Illegal immigrant traffic and its associated impacts have also contributed a decline in visitation at the Refuge and to closure of a 3,500-acre portion of the Refuge adjacent to the border.

### ***Human Health and Safety:***

Placement of humanitarian water stations on the Refuge may be viewed as consistent with the Buenos Aires NWR Safety Plan which has an implied and inherent goal of preventing any injuries or deaths on the Refuge. The Plan states that the Refuge must “*Provide a safe and healthful environment for Service employees, volunteers, and visitors at the facility.*” The placement of additional water on the Refuge and rescue beacons may not only serve illegal immigrants but could potentially aid any visitor in distress and in need of aid. Potential establishment of water stations would be consistent with public safety if stations do not interfere with Refuge operations and comply with State of Arizona safe drinking water standards.

### ***Direct Impacts***

Direct negative impacts to Refuge resources caused by water stations will vary with the strategy for water placement. Direct impacts could include limited habitat loss and wildlife disturbance during water station installation, maintenance and use. The placement of water stations may potentially alter movement patterns and numbers of illegal immigrants traveling through the Refuge. More illegal immigrant traffic through the Refuge could contribute to an increase in public safety concerns, trash and habitat degradation. However, there is no evidence or research indicating that water stations themselves lead to an increase in numbers of illegal immigrants passing through an area. The reverse may in fact be true as there is documentation that illegal immigrants may avoid water stations in fear of being apprehended by CBP. It is reasonable to assume that placing a limited number of additional water stations on the Refuge should not result in an increase in illegal immigrant traffic as the Refuge has experienced heavy and constant traffic across the Refuge for many years with or without the existing water stations.

Trails traveled by illegal immigrants are unauthorized routes. The Refuge does not support continued use of these trails and is working to restore these travel routes to natural conditions, when possible. Facilitating continued use of these trails through permitting water stations placement on illegal immigrant trails could materially interfere with or detract from fulfillment of the NWRS mission or Refuge purposes because it would be in direct conflict with resource protection and restoration.

### ***Indirect Impacts***

Most visitors come to the Refuge to bird watch, hunt, camp, and enjoy the Refuge’s undeveloped outdoors and beauty of the landscape. Establishing and maintaining drinking water stations over a larger portion of the Refuge could reduce the overall quality of visitor experience by diminishing the naturalness of the area, increasing noise around water station sites, and providing a source of chronic wildlife disturbance. However, since visitors to the Refuge are already likely to encounter CBP agents, unauthorized trails, illegal immigrant-associated litter, and possibly illegal immigrants themselves, the strategic placement of water stations would pose minimal additional impacts.

The Refuge has nearly 300 miles of existing roads used extensively by the visiting public. In addition, CBP agents often patrol Refuge roads to detect and apprehend illegal immigrants. These law enforcement activities have contributed both to the deterioration of roads and to destruction of some native vegetation, especially along roadsides where vehicles must turn around. As a result, some roads are no longer passable. However, it is anticipated that

permitting and maintaining additional water stations would not require an expanded effort on the part of the Refuge to maintain roads because the additional traffic anticipated from permitting additional water stations would be negligible and provided for under existing Refuge road maintenance operations.

### Cumulative Impacts

Potential permitting of water stations by the Refuge poses concerns when considering the cumulative impacts from the many border related activities currently occurring on the Refuge. These activities include patrolling by CBP agents (24 hours a day; seven days a week) on and off-Refuge roads; construction of seven miles of pedestrian barrier along the Refuge's southern boundary; and CBP's operation and maintenance of three rescue beacons, seven SBInet towers, a heliport with fueling station, and an equestrian facility. Permitting new drinking water stations would add another activity to these existing impacts. However, with appropriate oversight and permit conditions and stipulations (e.g., placement next to roads), this use would not necessarily conflict with Refuge wildlife and habitat goals and objectives. While some impacts may occur, there is no evidence to support that permitting additional strategically-located water stations would materially interfere with or detract from fulfillment of the NWRS mission or the purposes of the Refuge.

**Public Review and Comment:** The National Wildlife Refuge System Improvement Act of 1997 requires the Refuge Manager to provide an opportunity for public review and comment of draft Compatibility Determinations. The purpose is to offer the public an opportunity to provide the Service any relevant information to help evaluate the compatibility of the proposed use. The Refuge Manager must consider all information provided during the public review and comment period. The manager is not required to respond to comments but must make use of all information available to make the most informed decision possible.

Public review and comment was initially solicited for the Draft Compatibility Determination for a 30 day period beginning April 3, 2010. The availability of the Compatibility Determination was announced through a press release in the Arizona Republic, Arizona Daily Star and the Green Valley News. There were also public notices posted in the Sasabe and Arivaca Post Offices; Arivaca Mercantile bulletin board; and the Arivaca and Green Valley Public Libraries. Copies of the draft Compatibility Determination were also available at the two libraries mentioned above and online at: [www.fws.gov/southwest/refuges/](http://www.fws.gov/southwest/refuges/). To accommodate late responses, comments were accepted until May 5, 2010. A total of 811 letters or electronic messages were received by the Refuge during the comment period. During the public review and comment period, substantial input was provided to the Service regarding the issue of permitting drinking water stations for illegal immigrants crossing Buenos Aires NWR. The topic of immigration along the southwest border, particularly at this time, ignites controversy on both sides of the issue.

Comments that supported the Refuge permitting placement of water stations cited reasons such as: humanitarian volunteers remove trash; the proposed activity would save lives; the real problems were poor U.S. trade and/or migration policies; and it was the ethical thing to do. In addition, there were 360 copies of a form letter that the humanitarian organization *No More Deaths* posted on its web site, encouraging its supporters to send the Refuge. The form letter

stated the sender strongly supported the proposal and believed the proposed water stations were fully compatible with purposes of the Refuge.

Comments received stating the Refuge should not permit placement of water stations cited concerns that the use would: promote an illegal activity on Federal lands or would aid and abet an illegal activity; draw more illegal immigrants; increase impacts to Refuge resources; promote increased criminal activity; compromise visitor and staff safety; not be within the Refuge mission or purposes; result in an increase in migrant deaths; not be necessary because there is enough water already on the Refuge; increase impacts on Refuge neighbors; not work; not meet Federal or State water quality requirements and therefore would be illegal; benefit criminal smugglers of drugs and illegal immigrants by concentrating migrants who would then be vulnerable to exploitation by criminals; violate the National Environmental Policy Act; and was not needed because rescue beacons should be used instead of water stations to save lives.

All public comments received were considered in the overall process of this determination. However, the purpose of this Compatibility Determination was to assess the proposal to permit installation and operation of water stations on the Refuge and the potential impacts of this activity on Refuge wildlife resources and not the broader issue of illegal immigration. Moreover, another factor influencing this decision process is the reality that despite increased border security measures, the presence of emergency beacons, and the presence of water for wildlife, illegal immigrant deaths continue to occur along the border through exposure, dehydration, and other causes.

Based on sound professional judgment, consistent with the principles of sound fish and wildlife management and available science, and in adherence to all applicable Federal laws and Service policies, the proposed placement of large (i.e., 55-gallon), semi-permanent containers--subject to conservation stipulations--is found to be compatible. This water station strategy ensures the Refuge has the capacity and resources to effectively administer the activity.

**Determination (check one below):**

**Use is Not Compatible**

**Use is Compatible with Following Stipulations:**

**Stipulations Necessary to Ensure Compatibility:**

- 1) User must comply with the November 17, 2008 DOI guidance memorandum recommending that:
  - Water stations are accessible from established roads.
  - Water stations do not interfere with nor create a safety hazard to Refuge staff, visitors, and Refuge neighbors.
  - Water stations are maintained in accordance with applicable Federal, state and local water quality standards.
  - Permittee obtains liability insurance in the amount of \$2,000,000 per occurrence that names the U.S. Fish and Wildlife Service and Buenos Aires NWR as additionally insured and holds the United States harmless from any and all liability to third parties as a result of water station activity.

- 2) All drinking water stations utilize large, stationary containers that are not transportable by a pedestrian.
- 3) Safe drinking water test results must be provided to the Refuge Manager on a monthly basis.
- 4) Water stations must be adjacent to roadsides in already disturbed areas (never on trails).
- 5) There must be close coordination with the Refuge to determine location, number and movement of stations.
- 6) If research and/or statistics indicate that this use is detrimental to Refuge purposes or the mission of the NWR System, the Refuge has the right to revoke or modify the permit accordingly.

**Justification:** This document evaluates requests from humanitarian organizations to place drinking water stations on the Refuge to support their goal of reducing dehydration and possible deaths of illegal immigrants who pass through the Refuge. A principal task of the Refuge Manager is to consider whether placement of water stations would materially interfere with or detract from fulfillment of the NWRS mission or purposes of the Refuge. A Compatibility Determination must be based on sound professional judgment and consistent with the principles of sound fish and wildlife management, available science, and adhere to all applicable Federal laws and Service policies. A key element of this determination is for a Refuge Manager to apply his or her field experience and knowledge of the particular environmental resources potentially affected. The evaluation must also consider whether the Refuge has the capacity and resources to effectively administer the activity.

Although the purpose of the Refuge is to conserve and restore habitat and wildlife populations, the Service is committed to safeguarding the health and safety of all persons entering the Refuge. The Service is legally required to support the mission of CBP and cooperate in the apprehension of illegal immigrants on the Refuge, when appropriate. The Department of Interior, U.S. Department of Agriculture and the Department of Homeland Security entered into a Memorandum of Understanding (MOU) in 2006 to formalize their cooperative working relationship and facilitate coordinated efforts to apprehend illegal immigrants on NWR System lands along the southwest border.

The Service is actively striving to minimize risk of injury and/or death of anyone entering the Refuge. In addition to the routine 24-7 patrol by CBP and Refuge Law Enforcement Officers, three CBP emergency rescue teams are operational on the Refuge, the seven SBInet towers on the Refuge are being assessed for retrofitting as emergency rescue beacons, existing Refuge wells and structures have been fitted with spigots, and the Refuge has permitted three, semi-permanent water stations consisting of large 55-gallon containers. The Refuge maintains that by providing a variety of possible lifesaving devices throughout the landscape, potential risks to public safety may be reduced. Water is critically important; however, it is not the only solution to those in need of medical assistance.

Because Buenos Aires NWR is situated on the U.S./Mexico border, the Refuge has experienced significant environmental degradation due to illegal immigration, smuggling and efforts to control it. The Refuge must consider both the long and short term effects of this proposed secondary use. The placement of stationary drinking water stations for illegal immigrants may

benefit the lives of those traveling through the Refuge but depending on how it is implemented; sites may materially interfere with or detract from fulfillment of the NWRS mission or the purposes of the Refuge.

The effectiveness of water stations established by humanitarian groups in areas of known illegal immigrant traffic along the border remains unclear. At a 2005 annual meeting of the Environmental Systems Research Institute, the organization *Humane Borders*, presented their preliminary findings suggesting water stations are effective tools for saving lives in the desert. In contrast, there is situational analysis showing that establishing widely dispersed water stations for illegal immigrants may place individuals in greater danger. As water stations are established in areas previously without water, illegal immigrants may choose to travel through even more remote, hostile environments where rescue is more unlikely. Therefore the approach employed for selecting sites for water stations may have a significant influence on station utilization, illegal immigrant travel patterns, and impacts to Refuge natural resources.

The method of placing small, one gallon plastic containers tethered to trees on active trails, facilitates shifting the locations of stations to coincide with changes in use of various Refuge trails by illegal immigrants. However, this strategy would consume more Refuge staff time to monitor, promotes continued use and damage of unauthorized trails, and may lead to more litter deposition. Also, water quality compliance for one gallon containers tethered on trails would be difficult to ensure. Concerns include deterioration of the plastic container, bacterial growth from containers being uncapped and partially utilized, and wildlife interference. Use of small containers would therefore be incompatible with the Refuge purposes and NWRS mission.

With appropriate conditions and stipulations, we find the proposed use of large, semi-permanent water containers for water stations to be compatible. The strategy of placing large containers of water immediately adjacent to Refuge roads would allow for easy access and maintenance of sites. These types of stations are easy to monitor, limit habitat disturbance, result in no additional trash, and limit the amount of time spent by Refuge staff on oversight. There is also greater confidence in the ability to ensure water quality compliance of these semi-permanent sites due to their ease of access and greater structural integrity. Permitting this large container strategy with appropriate conservation stipulations could therefore be considered compatible with Refuge purposes and the NWRS mission.

#### **National Environmental Policy Act Compliance:**

The humanitarian organization, *Humane Borders*, has been permitted since 2001 to maintain three humanitarian water stations on Buenos Aires NWR. The Refuge will first conduct a review of this existing activity and the conditions under which it is permitted to ascertain if it is occurring consistently with the stipulations contained in this Compatibility Determination. If found to be consistent, the Refuge will then subject that permitted use to review under the National Environmental Policy Act (NEPA) and determine what level of NEPA documentation is appropriate to ensure compliance. If the Refuge receives future requests for permitting placement and maintenance of additional humanitarian water stations, the Refuge will conduct similar analyses to first determine consistency with this CD and then the level of documentation needed for compliance with NEPA.

Signature: Refuge Manager Sally A. Gall, Acting 8-10-10  
(Signature and Date)

Acting  
Concurrence: Regional Chief Donna Stenek 8/10/10  
(Signature and Date)

Mandatory 10- or 15-year Re-Evaluation Date: July 2025

Attachments: Drinking Water Site Assessment map – Buenos Aires NWR

# Buenos Aires National Wildlife Refuge

## Drinking Water Site Assessment

111°30'W

111°20'W

31°50'N

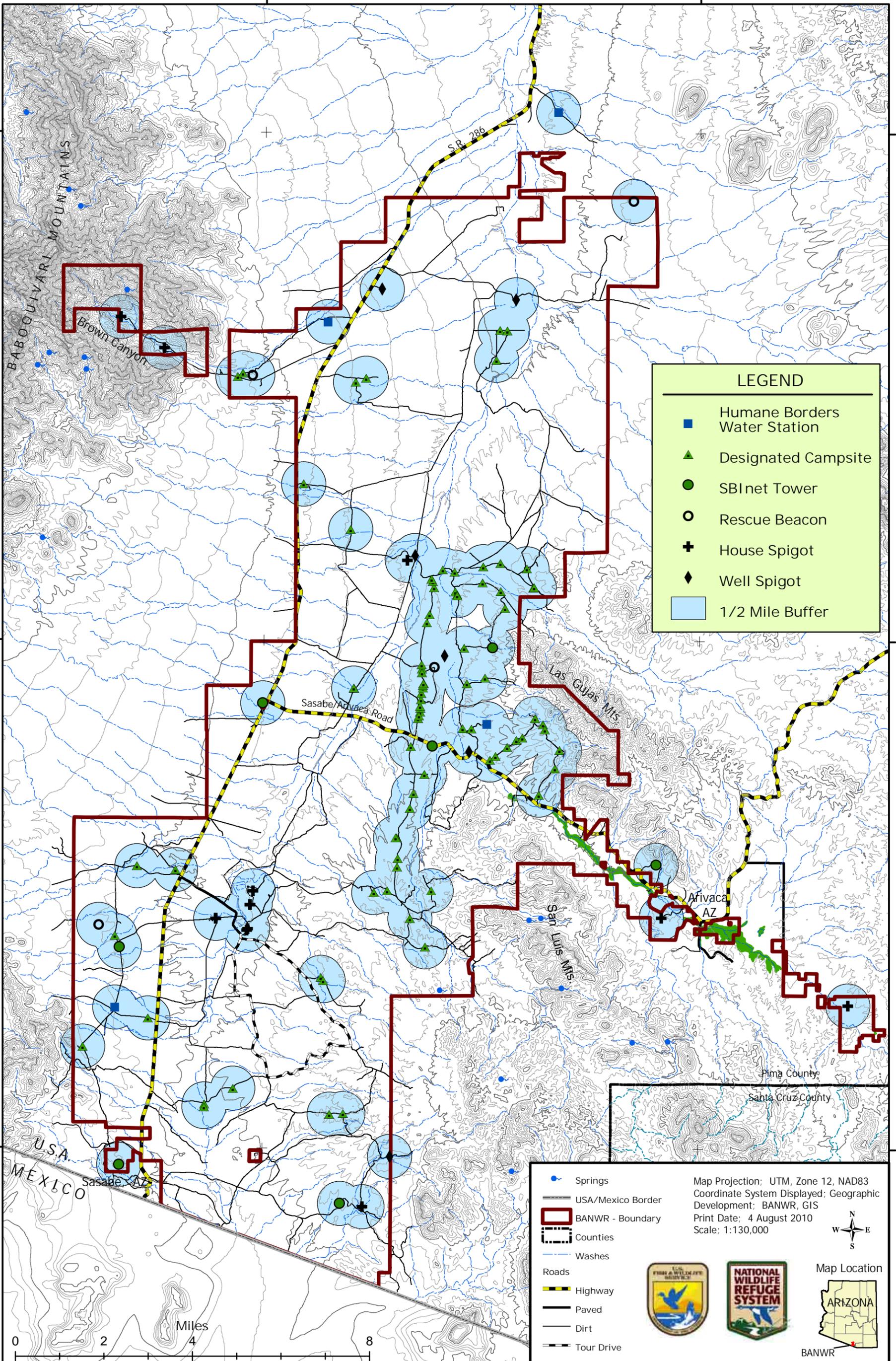
31°50'N

31°40'N

31°40'N

31°30'N

31°30'N



**LEGEND**

- Humane Borders Water Station
- ▲ Designated Campsite
- SBI net Tower
- Rescue Beacon
- + House Spigot
- ◆ Well Spigot
- 1/2 Mile Buffer

0 2 4 8 Miles

USA MEXICO

Sasabe AZ

Sasabe/Arivaca Road

Las Guías Mts

San Luis Mts

Arivaca AZ

Pima County

Santa Cruz County

- Springs
- USA/Mexico Border
- BANWR - Boundary
- Counties
- Washes
- Roads
  - Highway
  - Paved
  - Dirt
  - Tour Drive

Map Projection; UTM, Zone 12, NAD83  
 Coordinate System Displayed; Geographic Development; BANWR, GIS  
 Print Date; 4 August 2010  
 Scale; 1:130,000

N  
W E  
S

Map Location

BANWR

111°30'W

111°20'W